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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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CARL LOVENDAHL,  
  
Plaintiff,

v.

NANCY A. BERRYHILL,  
Commissioner, Social Security  
Administration,  
  
Defendant.

**MEMORANDUM DECISION AND  
ORDER ADOPTING REPORT &  
RECOMMENDATION**

Case No. 2:16-cv-01041-DN-BCW

District Judge David Nuffer

Magistrate Judge Brooke C. Wells

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Magistrate Judge Brooke C. Wells's Report and Recommendation<sup>1</sup> under [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) recommends affirming in part and remanding in part the Commissioner's decision denying Plaintiff Carl Lovendahl's claim for social security disability benefits and supplemental security income.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of its service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#). No party filed a written objection to the Report and Recommendation as provided by court rules. Therefore, the analysis and conclusion of the Magistrate Judge are accepted, and the Report and Recommendation<sup>2</sup> is adopted in its entirety. The Commissioner's decision is affirmed in part and remanded in part. The Commissioner's decision as it relates to Mr. Lovendahl's mental impairments is affirmed. The case is remanded to the Commissioner to consider the August 2016 MRIs of Mr. Lovendahl's spine and hip. The MRIs are new evidence

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<sup>1</sup> Docket no. 24, filed January 4, 2018.

<sup>2</sup> *Id.*

with a reasonable possibility of changing the Commissioner's determination of Mr. Lovendahl's disability on the basis of back and hip pain.

**ORDER**

IT IS HEREBY ORDERED that the Report and Recommendation<sup>3</sup> is ADOPTED, and the Commissioner's decision is:

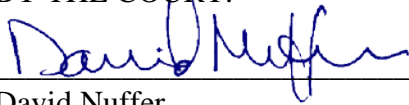
REMANDED IN PART as it relates to the review of the new evidence (consisting of MRIs of Mr. Lovendahl's back and hip), and

AFFIRMED IN PART as it relates to Mr. Lovendahl's mental impairments.

The Clerk is directed to close the case.

Dated January 25, 2018.

BY THE COURT:



David Nuffer  
United States District Judge

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<sup>3</sup> Docket no. 24.